

MINUTES
LAKE COUNTY ZONING BOARD
November 2, 2011

The Lake County Zoning Board met on Wednesday, November 2, 2011 in the Commission Chambers on the second floor of the County Administration Building to consider a petition for a Rezoning and a Conditional Use Permit.

The recommendations of the Lake County Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, November 15, 2011 at 9 a.m. in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 1
Ted DeWitt	District 2
Lorenzo G. John Ameri	District 3
Rick Gonzalez	District 4
Paul Bryan, Chairman	District 5
Jim Miller	School Board Representative
Kasey Kesselring	At-Large Representative

Members Not Present:

John Childers	Ex-Officio, Nonvoting Military Representative
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Staff Present:

Brian T. Sheahan, AICP, Planning Manager, Planning and Community Design Division
Steve Greene, AICP, Chief Planner, Planning and Community Design Division
Jennifer Cotch, Environmental Specialist, Planning and Community Design Division
Susan Boyajan, Senior Secretary, Clerk of the Courts, Board Support
Ross Pluta, Engineer III, Public Works
Ann Corson, Office Associate IV, Planning and Community Design Division
Melanie Marsh, Deputy County Attorney
Erin Hartigan, Assistant County Attorney

Chairman Bryan called the meeting to order at 9:00 a.m. He led in the Pledge of Allegiance and gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor and that this meeting had been noticed pursuant to the Sunshine Statute.

Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Associate prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

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<u>CASE NO.:</u>	<u>OWNER/APPLICANT/AGENT/PROJECT</u>	<u>AGENDA NO.</u>
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Consideration
of Minutes

October 5, 2011

Agenda Discussion

CONSENT AGENDA:

PH #17-11-3	Dennis & Holley Wilson/Barry Blake/ Alison Yurko, Esq. Banana Cove Marina	1
PH #19-11-4	Cecil and Dyanne Bodiford Stephens & Barrios – Carlos A. Barrios Cecil & Dyanne Bodiford/Barrios Engineering, LLC	2

REGULAR AGENDA:

CUP #11/12/1-3	Susan & Robert Denis Stanley Pond Farm	3
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MINUTES

MOTION by Kasey Kesselring, **SECONDED** by Jim Miller to **APPROVE** the October 5, 2011 Lake County Zoning Board Public Hearing minutes, as submitted.

FOR: Kesselring, Morris, Miller, Bryan, Gonzalez, DeWitt, Ameri

ABSENT: None

AGAINST: None

NOT PRESENT: Childers

MOTION CARRIED: 7-0

AGENDA DISCUSSION

Steve Greene, Chief Planner, stated that staff would like to make a change to the agenda and that he would like to first take the opportunity to thank the Clerk's Office for recording the meeting in the absence of the Zoning Board's Public Hearing Associate, due to illness.

Mr. Greene stated that staff's proposed change to the agenda was in regards to Agenda Item #1, PH#17-11-3, Banana Cove Marina; explaining that staff would like to have that case removed from the Consent Agenda and moved to the Regular Agenda so that a full presentation could be given.

Tim Morris, Board member, asked the Chairman, if there were no questions on the Stanley Pond Farm case, could it be moved from the Regular Agenda to the Consent Agenda.

Mr. Greene, responded that the applicant was in agreement with the requested change.

MOTION by Tim Morris, **SECONDED** by Kasey Kesselring to remove, Agenda Item #3, CUP#11/12/1-3, Susan & Robert Denis, Stanley Pond Farm, from the Regular Agenda and move to the Consent Agenda and affirming Agenda Item #1, PH#17-11-3, Banana Cove Marina has been moved from the Consent Agenda to the Regular Agenda.

FOR: Morris, Bryan, Gonzalez, Kesselring, Miller, DeWitt, Ameri

ABSENT: None

AGAINST: None

NOT PRESENT: Childers

MOTION CARRIED: 7-0

CONSENT AGENDA

PH #19-11-4	Cecil and Dyanne Bodiford Stephens & Barrios – Carlos A. Barrios Cecil & Dyanne Bodiford/Barrios Engineering, LLC	2
CUP #11/12/1-3	Susan & Robert Denis Stanley Pond Farm	3

MOTION by Rick Gonzalez, **SECONDED** by Lorenzo G. John Ameri to recommend **APPROVAL** of the Consent Agenda as amended, consisting of agenda items #2 & #3.

FOR: Morris, Bryan, Gonzalez, Kesselring, Miller, DeWitt, Ameri

ABSENT: None

AGAINST: None

NOT PRESENT: Childers

MOTION CARRIED: 7-0

REGULAR AGENDA

CASE NO: PH# 17-11-3 **AGENDA NO.** 1
OWNER: Dennis & Holly Wilson, Trustees
APPLICANT: Dennis & Holly Wilson, Alison Yurko, Esq.; Barry Blake
PROJECT NAME: Banana Cove Marina

Steve Greene, Chief Planner, presented the case explaining the applicant is requesting to rezone the property from Residential Mobile Home Rental Park (RMRP) referencing CUP#88/8/1-3, to Planned Commercial (CP) for the existing marina to increase the number of covered boat slips. He further explained the location, future land use designation and the size of the property as shown in the staff report.

He also stated that the Banana Cove Marina has been in existence since 1988 and gave a brief history on the property. The CUP for the marina was granted in 1988 on the RMRP zoning which was the prescribed method to recognize a marina at that time. In January 2004 there were some improvements that were recognized to the property as indicated in the staff report as well as modifications that were made to the marina including 18 stalls. In 1988 the Board approved the CUP to recognize the existing 43 boat stalls. In this request for rezoning, staff had some misunderstanding with the definition of boat stalls and since that time staff has interpreted the stalls in the old ordinance to mean covered slips; at that time there were 43 slips. As recently as last month, the Department of Environmental Protection (DEP) went out and issued a permit for the existing slips and recognized 81 slips on the marina property; 36 of them are covered with these stalls.

Mr. Greene stated that staff had reviewed the application for this rezoning request and found it to be consistent with the current Future Land Use which is Urban Medium. He also noted that this change in zoning will not have any impact on the existing public facilities. The City of Tavares provides Fire Service, as well as Water and Sewer to the property. Mr. Greene mentioned that a copy of the DEP Permit, the City of Tavares' authorization to provide Water and Sewer, and CUP #88/8/1-3 Ordinance was provided in each Board member package.

Mr. Greene stated that staff recommends approval of this rezoning request with the additional language that was provided last night. He noted that there were some revisions to the ordinance pursuant to the inspection by the building official to recognize some of the unpermitted structures that took place on the property since 1988.

Mr. Greene stated that he would take any questions that anyone may have at this time.

Mr. Lorenzo G. John Ameri, Board member, pointed out a scrivener's error on page 2, first paragraph under Summary of Analysis of the Staff Report, 4th line stating that the marina is located on the east side of State Road (SR) 19. He clarified that the marina is located on the west side.

Rick Gonzalez, Board member, asked Mr. Greene to clarify paragraph "F" of the staff report.

Chairman, Paul Bryan asked if there were any further questions for the staff before hearing from the applicant.

The Applicant, Alison Yurko, Esq., Land Use Attorney, representing the Banana Cove Marina owners, Dennis & Holly Wilson, came forward to thank the staff, Steve Greene, Brian Sheahan, Melanie Marsh, and the other members of the staff that have worked with them on this application.

Ms. Yurko stated that Barry Blake, the Realtor that was involved with the potential sale of this marina last year, and Ted Wicks, who was here on another case but had helped with the site plan, were both in attendance for today's meeting.

She stated that this issue has been brought to the County in the context of some confusion that came about with respect to the wording in the 1988 CUP which was basically a nonconforming use determination that the County made to set forward the uses allowed at the Banana Cove Marina. She pointed out that there was some confusion, as they used the term "boat stalls" and that they worked with Mr. Sheahan to clarify that point and in the course of doing that went to DEP and got a permit from them for the 81 boat slips and that has been finished up a couple weeks now. Ms. Yurko added that they also started out with a zoning conformance request to Mr. Sheahan and he suggested to go ahead and clean this up, rezone it, and switch out the 1988 CUP with this rezoning. They also have a pending site plan along with the receipt for the minor site plan application and understand that they are good to go with that site plan with respect to the existing uses and that upon the BCC approval of this rezoning on the 15th that Mr. Sheahan will sign off on that site plan. She also wanted to put into record that the building permit that was applied for with respect to the additional boat slips should be issued on the 15th upon the approval of this rezoning.

Ms. Yurko stated that there were a couple of points that she wanted put into the record that she would appreciate being incorporated into the minutes so that there is no confusion about how the Ordinance is interpreted. Ms. Yurko continued to say that in addition to the several changes that Mr. Greene has asked for and after meeting with Mr. Sheahan on this matter he also concurred with; she wanted to clarify for the record that she has been in county government and doing this for 23 years and it is always good to put it out there so that no one is wondering later on what was intended.

With respect to paragraph "G" in the Ordinance for open space it is understood that provision "1" that deals with the open space in accordance with the Comprehensive Plan, that requirement would apply if and only if they put new structures on site above and beyond what is currently existing or if they substantially enlarge any of the structures; then they would be subject to the new open space requirements. That same provision would apply with respect to the language in number "3" under "G" "in wetlands" the 50 ft setback would apply, there are existing structures on the site that are within 50 ft of the setback and they have been there forever. She stated, as some may remember, that this was the old "Echo Glen Marina". That is not intended to apply to those existing structures, those structures reflected on the site plan that will be approved on the 15th, rather that is intended to apply if any new structures come in or if there is a substantial enlargement of the structures that are out there now. The same provision would apply at "H" "5" discussing the non-conforming landscaping to be brought into compliance. That would be brought into compliance if and only if structures are added that are not reflected on that site plan. Again, Ms. Yurko expressed her desire to be clear so that there is no confusion later on. The intent here is that the issuance of the permit for those structures which were already applied for and we had the building official come out to the site on Monday for, would make approval of the site plan by Mr. Sheahan a ministerial act that would occur by staff on the 15th.

Upon this rezoning occurring and with those assurances we are comfortable with moving forth with this rezoning.

Ms. Yurko explained that they are going to be revoking the 1988 CUP in exchange for this rezoning which is why they want to make it abundantly clear that they won't have any confusion later on about what is going to be required by the County.

Again, she expressed her appreciation for the assistance by staff, and commented that staff has really been working with them on this.

Ms. Yurko pointed out that this is a wonderful old Florida marina and obviously there are no neighbors in opposition. She also stated that it has been a wonderful small business for Lake County, it's a Mom and Pop operation, and they are looking at some point to retire and sell it. She noted that this will help button this up and help this small business move forward.

After stating that she would be glad to take any questions, she then gave the Recording Secretary a copy of the Building Permit Application (Exhibit "A"), Receipt No. 8968 for \$275.00 for a Minor Site Plan Amendment (Exhibit "B") and the Site Plan (Exhibit "C").

Paul Bryan, Chairman, responded that there were no questions and asked that Mr. Greene confirm and concur with the remarks Ms. Yurko made regarding the open space and the landscape and that all comments were correct.

Mr. Greene responded by saying that it is all standard procedure by the County and is correct.

Mr. Paul Bryan stated that it is in the record then.

MOTION by Kasey Kesselring , SECONDED by Paul Bryan to recommend APPROVAL of PH #17-11-3, Banana Cove Marina, as amended based on the memo provided, to rezone from Residential Mobile Home Rental Park (RMRP) revoking CUP#88/8/1-3 to Planned Commercial (CP) with conditions for the existing marina.

FOR: Kesselring, Gonzalez, Bryan, Miller, Morris, DeWitt, Ameri

ABSENT: None

AGAINST: None

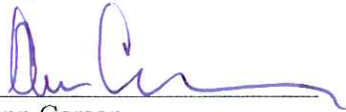
NOT PRESENT: Childers

MOTION CARRIED: 7-0

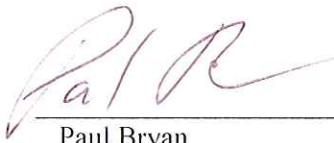
ADJOURNMENT

There being no further business, the meeting was adjourned at 9:30 a.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ann Corson', written over a horizontal line.

Ann Corson
Office Associate IV

A handwritten signature in blue ink, appearing to read 'Paul Bryan', written over a horizontal line.

Paul Bryan
Chairman